

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on January 14, 2005 at 3:00 P.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Joe McKenney (R)
Rep. Scott Sales (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: Rep. Tim Dowell (D)
Rep. Bob Lake (R)
Rep. Holly Raser (D)
Rep. Jon Sonju (R)
Rep. Margaret H. Campbell (D)

Members Absent: None.

Staff Present: Nina Roatch-Barfuss, Committee Secretary
Eddy McClure, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB162, 1/11/2005; HB229, 1/11/2005
Executive Action:

REP. GALVIN-HALCRO reported that **HB 74**, sponsored by **REP. BUZZAS** that is in the committee's folder, has been the topic of much discussion. It has been suggested that it might be moved from the Education Committee to the Select Committee. She has been told that the bill is not a school funding bill, but it is a transportation bill. If the bill is removed to the Select Committee, she understands that it would take a 2/3 vote to pass.

HEARING ON HB 162

Sponsor: **REPRESENTATIVE TERESA HENRY, HD 96, Missoula**

Opening Statement by Sponsor:

REP. HENRY announced she is presenting the bill on behalf of OPI. The bill is requiring a school district to retain a certified copy of immunization records of children who transfer to another school district. It is to clarify a process. It does not add additional responsibility on anyone. The intent of the bill is to direct schools to retain a certified copy of the immunization records for the permanent record and send the original copy of the record to the transfer school district. The family or the child will retain the Official Montana Immunization Record. The public nurses will be happy for the information when the transfer student arrives. The representative passed out a copy of the two documents and then discussed them with the committee.

[EXHIBIT \(edh10a01\)](#)

[EXHIBIT \(edh10a02\)](#)

Proponents' Testimony:

Jo Ann Walsh Dotson, the Bureau Chief of the Family and Community Health Bureau in the Department of Public Health and Human Services, notified the committee that the department she represents supports **HB 162** and presented written testimony.
[EXHIBIT \(edh10a03\)](#)

Kathy Warhank, Chief Legal Counsel at the Office Public Instruction, stated she is a proponent for the bill for the reasons stated by Ms. Dotson and **REP. HENRY**.

Darrell Rud, Executive Director of the School Administrators of Montana, testified that his organization stands in support of **HB 162**. In his experience as a school administrator, once the original of the child's immunization is sent to the receiving school, in many cases the records disappeared. Often the children were homeless or lived in shelters. Sometimes the

children didn't enroll in the school they had indicated when checking out of the present school. The bill will end the confusion about sending the sheet out and retaining no information at the first school.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ANDERSEN requested information from Mr. Rud. She was thinking about children who move around from district to district, particularly children in foster care. She asked, "Is it possible that down the road, five or six years, no one will remember or have a record where the original record of the immunization is located?" **Mr. Rud** replied that is possible.

REP. ANDERSEN sought information from the sponsor. The representative wanted to know who was going to certify the copy mentioned in the bill. **REP. HENRY** said her assumption is that the copy would be notarized in the school. Usually schools have a notary public in their offices. **REP. ANDERSEN** was confused about which copy is to be sent on to the next school. **REP. HENRY** answered her question. The blue copy goes where the school believes the transferring child is going. A certified copy stays where the child started. **REP. ANDERSEN** said it seemed to her that the blue copy could get to a school after a child has come and then moved on. **REP. HENRY** said the blue copy would stay at the last school that had information about the child.

REP. BUTCHER required more information from the sponsor. He noted the bill mentions that the information can be photocopied. He wants to know why a photocopy can't be taken and sent on, leaving the original at the school of origin. It is **REP. HENRY's** understanding of the process, that a child registers for school and fills out the form being discussed. If the child is going to daycare or camp, etc., a photocopy can be taken for the child to take where ever he needs it. **REP. BUTCHER** said he doesn't see a termination date as to how long this record stays with the school. The question was referred to Ms. Warhank. **Ms. Warhank** said the records are classified and different classifications have different lengths of time when it comes to storing them. A permanent record is never destroyed. Other records are destroyed in accordance with board policy. When a student involved with this form leaves high school, the student would be given the immunization form and it would be the student's responsibility to take care of the information for future needs. **REP. BUTCHER** informed her that he doesn't see that information spelled out in

the bill. **Ms. Warhank** replied that those kinds of information are addressed in administrative rules by the Board of Public Education.

Closing by Sponsor:

REPRESENTATIVE HENRY reiterated that the bill is to be a service to students and their parents because there will be one reliable immunization record that stays with the student to the best of the system's ability.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 19.3}

HEARING ON HB 229

Sponsor: **REPRESENTATIVE GORDON HENDRICK, HD 14**

Opening Statement by Sponsor:

REP. HENDRICK reported that the bill takes revenue from the School Trust Funds Guaranteed Account, over and above the previous year's revenue. It diverts it to the school flexibility account as outlined in 20-9-542. Legislation identical to this bill was passed out of the house in the 2003 Session on a 93-3 vote as **HB 630**. The bill was subsequently killed in the Senate. The representative said the legislature needs to look at the big picture of education that is yet to come. He stated that the committee knows what defines a quality education for Montana. The Legislature needs be more selective in the bills presented to the session. **REP. HENDRICK** requested the bill be tabled so that more research can be done.

Proponents' Testimony:

Lance Melton, Montana School Boards Association, said his organization supports the bill strongly. The Montana Constitution provides that state land revenues are dedicated to public schools. School are to receive actual operating revenue. That provision of the constitution has been rendered meaningless for decades. It is indistinguishable from the amount of money that is provided, overall. The state land money has been used for tax relief and funny cuts. It displaces the general fund budget. He urged the bill be temporarily tabled and then give it good consideration. It is a constitutional obligation to dedicate state land revenues.

Kathy Bramer, Representing Superintendent of Public Instruction, Linda McCullogh. Ms. McCullogh is a member of the Land Board. They rise in support of the bill. It needs some amendment work

and improved language. She is glad the sponsor asked that it be tabled.

Erik Burke, MEA-MFT, stood in support of the bill and agreed that it needs several amendments

{Tape: 1; Side: A; Approx. Time Counter: 19.3 - 30}

{Tape: 1; Side: B}

Lynda Brannon, Montana Association of School Boards, said she came in support of the bill as it is written. She is open to amendments, but was not sure how the association would feel about the bill after it is amended.

Opponents' Testimony: None

Informational Testimony:

Jim Standaert, Legislative Senior Analyst II, presented a handout and explained the Common School Trust - Fiscal 2005 Estimate. He said it is the most complicated state trust fund.

EXHIBIT(edh10a04)

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. HENDRICK said there is a lot of work that needs to be done on the bill. He did not have enough time to get an amendment before it was presented in committee.

ADJOURNMENT

Adjournment: 3:40 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/NR

Additional Exhibits:

EXHIBIT ([edh10aad0.PDF](#))